



ZW
AF

PTO/SB/31 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

2032.2.1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on 7/14/05

Signature

Typed or printed name

David J. McKenzie

In re Application of

Jim Freely

Application Number

10/668,830

Filed

Sept. 23, 2003

For

Device for protecting an object from encroaching elements

Art Unit

3635

Examiner

Basil S. Katchev

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 500

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. . I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number

46,919

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a).

David J. McKenzie
Signature

David J. McKenzie
Typed or printed name

(801) 994-4646
Telephone number

7/14/05
Date

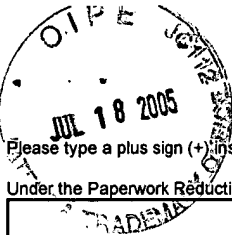
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

The PTO did not receive the following
listed item(s) check



Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (12/97)

Approved for use through 9/30/03. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

Note: Effective December 8, 2004.
Patent fees are subject to annual revision.

Complete If Known

Application Number	10/668,830
Filing Date	September 23, 2003
First Named Inventor	Jim Freeby
Group Art Unit	3635
Examiner Name	Basil S. Katcheves
Attorney Docket Number	2032.2.1

TOTAL AMOUNT OF PAYMENT \$250

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account No.: _____

Deposit Account Name: _____

Charge Any Additional
☐ Fee Required Under
37 CFR 1.16 and 1.17

Charge the Issue Fee
☐ In 37 CFR at the Mailing
of the Notice of Allowance

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1011	300	2011	150	Utility Filing Fee	
1111	500	2111	250	Utility Search Fee	
1311	200	2311	100	Utility Examination Fee	
1081	250	2081	125	Utility over 100 sheet fee per additional 50	
1085	250	2085	125	Provisional over 100 sheet fee per add. 50	
1005	200	2005	100	Provisional filing fee	

SUBTOTAL (1)

\$ 0

2. CLAIMS

Total Claims	Extra	Fee from below	Fee Paid
-20 =	0	25	
Ind. Claims - 3 =	0	100	
Multiple Dep. Claims	0	180	0

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim
1204	200	2204	100	Reissue independent claims over original patent
1205	50	2205	25	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

0

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1590	2254	795	Extension for reply within fourth month	
1255	2160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	250
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive -unavoidably	
1453	1370	2453	685	Petition to revive - unintentional	
1460	130	1460	130	Petitions to the Commissioner	
1501	1400	2501	700	Utility Issue fee	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
8007	20	8007	20	Copy of Patent Application as filed	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1801	790	2801	395	Request for continued examination (RCE) (37 CFR 1.114)	
1810	790	2810	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify) _____

*Reduced by Basic Filing Fee

SUBTOTAL (3)

\$ 250

SUBMITTED BY

Typed or Printed Name David J. McKenzie

Complete (if applicable)

Reg. Number 46,919

Signature

Date

Jul 14, 2005

Deposit Account User ID

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington,